

Notice of Allowability

Application No.

10/800,588

Examiner

Gary E. Elkins

Applicant(s)

WEST, THOMAS

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 25 June 2007.
2. ☒ The allowed claim(s) is/are 1,3-6,8-10,14,16 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Gary E. Elkins
Primary Examiner
AU 3782

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: With respect to claim 16, the prior art fails to anticipate or suggest the flap construction defined in the claim. Specifically, the Ostwald reference (US 3,319,869) fails to evidence interlocking tabs cut into the outer edge of both first and second opposing flaps and the diagonal folds 28, 30, 32, 34 do not project to a central portion of the opposed side edges of the opposing flaps, i.e. they project to the corners. The Wilcox, Jr. et al reference (US 3,642,192) fails to evidence interlocking tabs cut into an outer edge of both first and second opposing flaps (the second flap 40 utilizes a slot 54) and the diagonal folds do not project to a central portion of the side edges of the opposing flaps. The Abshire et al reference (US 7,159,761) fails to evidence interlocking tabs cut into the outer edges of first and second opposing flaps (the tabs on the opposing flaps do not interlock in Abshire et al) and the diagonal fold lines (21) do not project to a central portion of the side edges of the opposing flaps. With respect to claim 17, none of the prior art anticipates or suggests a closure including interlocking tabs on first and second opposing flaps and L-shaped overlap flaps each including a pair of fold lines that run from the side wall panels to an outer edge of the L-shaped flap. Larson, Jr. (US 6,386,437) discloses L-shaped flaps 25, 26 which are capable of overlapping in the middle of the container, but the L-shaped flaps do not include a pair of fold lines within the L-shaped flaps nor do the other opposing flaps 50, 51 include interlocking tabs as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."